

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

FILED BY  D.C.

05 OCT 27 PM 3:23

MARCUS SEYMOUR,
Plaintiff

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

v.

CIVIL NO. 04-2261 DP

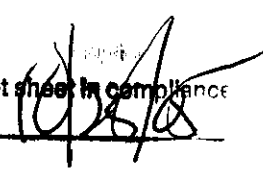
UNITED STATES POSTAL SERVICE and
JOHN E. POTTER, Postmaster General,
Defendants

MOTION TO MODIFY THE SCHEDULING ORDER AND MEMORANDUM IN SUPPORT

The Defendants, United States Postal Service and John E. Potter, move the Court for an order amending the Scheduling Order in this case to allow the Plaintiff more time to respond to Defendant's discovery requests and to permit the Defendant to take the Plaintiff's deposition..

The Court entered a Rule 16(b) Scheduling Order on May 4, 2005, requiring the parties to make initial disclosures pursuant to Fed. R. Civ. Pro. 26(a)(1) by May 16, 2005. Further the Scheduling Order required the parties to complete discovery by November 1, 2006 and to file dispositive motions by January 13, 2006. In a separate order the Court set a trial for April 17, 2006.

On June 10, 2005, the Defendants submitted Interrogatories and Requests for Production of Documents to the Plaintiff. Pursuant to Fed. R. Civ. P. 33(b) and 34(b) the responding party must submit a response to said interrogatories and request for production of documents within 30 days after service of same. While the undersigned and the attorney for the Plaintiff have discussed the issue of the Plaintiff's response to the interrogatories and request for production of documents on more than one occasion, the Plaintiff has been unable to provide a response as of the date of the filing of this motion. The Defendants desire to take the Plaintiff's deposition on

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 

MOTION GRANTED

DATE: 10-27-2005


BERNICE BOUIE DONALD
U.S. DISTRICT JUDGE

(21)

Plaintiff, but prefers to do so after receiving the Plaintiff's response to the written discovery.

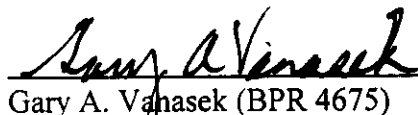
Since the deadline for completing discovery is fast approaching, the Plaintiff must seek a short extension of the deadline for completing discovery and for submitting a dispositive motion.

Based on the assurances of counsel for the Plaintiff that responses to the Defendant's discovery is forthcoming, the Defendants would propose the deadline for completing discovery be extended to November 30, 2005, and that the deadline for submitting dispositive motions be extended to February 13, 2006.

Respectfully submitted,

LAWRENCE J. LAURENZI
Acting United States Attorney

By:



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Defendants

CERTIFICATE OF CONSULTATION

I hereby certify that I have consulted with counsel for the Plaintiff on the substance of the attached motion and have been advised by counsel that the Plaintiff does not oppose the relief requested.




Gary A. Vanasek
Assistant U.S. Attorney

Date: 10/24/05

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a copy of the foregoing pleading first class postage pre-paid to John R. Hershberger, 239 Adams Avenue, Memphis, TN 38103 on this the 18th day of October, 2005.



Gary A. Vanasek
Assistant U.S. Attorney



Notice of Distribution

This notice confirms a copy of the document docketed as number 27 in case 2:04-CV-02261 was distributed by fax, mail, or direct printing on October 28, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT